

## REMARKS

Reconsideration of this application, as amended, is respectfully requested.

This application has been reviewed in light of the Office Action dated August 25, 2004. Claims 1-2, 4-6, 8-10, 12-14, and 16-19 are currently pending in the application. As indicated above, Claim 1 has been amended.

In the Office Action, the Examiner has rejected Claims 1, 5, 9, 13, and 17-19 under 35 U.S.C. §103(a) as being unpatentable over *Miya* (U.S. Patent 6,347,231 B1) in view of *Hibino* (U.S. Patent 5,444,862), Claims 2, 6, 10, and 14 under 35 U.S.C. §103(a) as being unpatentable over the combination of *Miya* and *Hibino*, and further in view of *Posti et al.* (U.S. Patent 6,466,794), and Claims 4, 8, 12, and 16 under 35 U.S.C. §103(a) as being unpatentable over the combination of *Miya* and *Hibino*, and further in view of *Hall et al.* (U.S. Patent 5,491,717).

As indicated above, the Examiner has rejected independent Claims 1, 5, 9, 13, and 17 under 35 U.S.C. §103(a) as being unpatentable over *Miya* and *Hibino*. Specifically, the Examiner alleges that *Miya* discloses all the elements of Claims 1, 5, 9, 13, and 17, except for stopping or resuming a transmission signal based on a comparison of a received signal to a threshold, which is allegedly taught in *Hibino*. However, it is respectfully submitted that the Examiner is incorrect.

It is respectfully submitted that *Miya* merely teaches a power control operation in which a base station transmits to a mobile station a control message for increasing or decreasing power. Thereafter, the mobile station receives the control message and increases or decreases a transmission power according to the received control message. More specifically, *Miya* discloses that the base station transmits an sc bit to the mobile station, and the mobile station detects the sc bit through a demodulation procedure of the received signal.

The mobile station then increases or decreases the transmission power according to an sc value from the sc bit by an AGC circuit in the mobile station, wherein the AGC circuit controls the transmission power.

However, the present invention, as recited in Claims 1, 5, 9, 13, and 17, teaches that a mobile station *measures* a reception strength of a received signal using a power control bit and controls a transmission power of a reverse link channel according to the reception strength. Accordingly, it is respectfully submitted that this procedure is not taught by the combination of *Miya* and *Hibino*.

Further, with regard to independent Claims 5 and 13, the Examiner asserts that because *Hibino* discloses that transmission is stopped only for a duration of time while signal strength is poor, it is inherent that transmission will resume when it is detected that reception signal quality is acceptable. However, it is respectfully submitted that the Examiner's assumption is incorrect.

There is no section of *Hibino* that specifically recites resuming transmission on a reverse link by controlling a reverse link channel depending on comparison of the reception strength with a threshold. Further, it is respectfully submitted that this operation is not inherent from *Hibino*, as is asserted by the Examiner. There are a number of possible ways that transmission may be resumed, for example, transmission may resume after a predetermined period of time. Therefore, it is respectfully submitted that it is not inherent that transmission would resume based on comparison of the reception strength with a threshold.

Accordingly, at least for the reasons stated above, it is respectfully requested that the rejection of independent Claims 1, 5, 9, 13, and 17 be withdrawn.

As indicated above, independent Claims 1, 5, 9, 13, and 17 are believed to be in condition for allowance. Without conceding the patentability per se of dependent Claims 2, 4, 6, 8, 10, 12, 14, 16, and 18-19, they are likewise believed to be allowable by virtue of their dependence on Claims 1, 5, 9, 13, and 17, respectively. Accordingly, reconsideration and withdrawal of the rejections and objections of dependent Claims 2, 4, 6, 8, 10, 12, 14, 16, and 18-19 are respectfully requested.

In view of the preceding amendments and remarks, it is respectfully submitted that all pending claims, namely Claims 1-2, 4-6, 8-10, 12-14, and 16-19 are in condition for allowance. Should the Examiner believe that a telephone conference or personal interview would facilitate resolution of any remaining matters, the Examiner may contact Applicants' attorney at the number given below.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Paul J. Farrell", is written over the printed name.

Paul J. Farrell  
Reg. No. 33,494  
Attorney for Applicant(s)

DILWORTH & BARRESE, LLP  
333 Earle Ovington Blvd.  
Uniondale, New York 11553  
Tel: (516) 228-8484  
Fax: (516) 228-8516

PJF/DMO